

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DANNY J. HICKS,

:

Filed at 12⁰⁰ P M

DATE 11-7-06

Zhu McCausa

DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

vs.

:

5:03-CV-307(DF)

RALPH BATTLE, et al.,

:

Defendants.

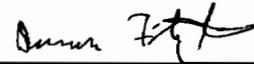
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ORDER

Before this Court is the Recommendation (doc. 114) that United States Magistrate Judge Claude W. Hicks, Jr. entered in this case on August 28, 2006. The Court has reviewed and carefully considered the parties' objections (doc.'s 115, 116) to the Magistrate Judge's Recommendation, but concludes that these objections do not warrant rejection or modification of the Magistrate Judge's findings.

Accordingly, Defendants' Motion for Summary Judgment (doc. 94) is hereby **GRANTED IN PART**, and **DENIED IN PART**. Defendants' summary-judgment motion is **GRANTED** with respect to Plaintiff's deliberate indifference and due process claims, but is **DENIED** with respect to Plaintiff's retaliation claim. In addition, Defendants Laurence Harris and Joann Sinclair and any claims against them are **DISMISSED** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure due to Plaintiff's failure to prosecute those claims.

SO ORDERED, this 1 day of November, 2006.



DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

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